

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Anthony H.-Y. Wong



Serial No: 10/771,672

Group Art Unit: 3618

Filing Date: February 3, 2004

Examiner: Christopher Bottoroff

For: "SHOPPING AID"

DATE OF DEPOSIT: 12 JAN 2005

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To the Commissioner for Patents  
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**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT OF 12/22/2004**

Sirs:

This submission is in response to a "Notice of Non-Compliant Amendment" dated 22 Dec 2004 from A. Carrington, Legal Instruments Examiner/US PTO (703 308-0575). A copy of the notice is provided on page 8 of this letter. Cited are:

- Preliminary Amendment dated 17 Dec 2004
- Response to Notice to File Missing Parts dated 16 Jun 2004
- Response to Formalities Letter dated 29 Jul 2004

Inventor's application was filed on 4 Feb 2004. The Preliminary Amendment submitted 17 Feb 2004 contains amendments to the Specification, amendments to the Claims, and new Claims. Fees for the new Claims were paid. No amendment to the drawings or abstract is contained in said Preliminary Amendment. The amendment includes a "mark-up" of the specification in the and a "mark-up" of the claims. A complete version of the claims as amended and pending was not provided in a single document, as has been pointed out in oral discussion by the Examiner's Supervisor, A. Graham (703 308-3233).

On 6/16/2004, a response was submitted to a request to repaginate the specification. Changes were proposed to Claims 6 and 19 prior to examination. A few changes to the specification were also proposed. Because the inventor had suffered an injury and is still in rehabilitation, the changes were suggested in the design of the prosecution in order to enhance the public notice function of any PG-PUB publication. A "mark-up" was again submitted in the form of a substitute specification and claims.

Finally, a response, not an amendment, was submitted on 29 Jul 2004 (7/29/2004). That document contained only a clean copy of the specification and claims in response to a request that the Claims be resubmitted starting on a separate page. Apparently a page break had been inadvertently omitted in the previous mailing. No amendment was made to the specification, claims or drawings on that date.

In short, 3 amendments are not at issue. In order to move this application into examination, we need to consider only one Preliminary Amendment -- dated 17 Feb 2004. There is no issue as to whether that Preliminary Amendment, which apparently was not entered, is or is about to interfere with a pending Office Action. No Office Action is pending. The application is currently in Legal Instruments for amendment text formatted in compliance with all revised paragraphs of CFR 1.121 and MPEP Section 714, which provides additional information on the formatting of amendments (see finalized revision of Nov 2004), and reference is made to the *Federal Register* on June 30, 2003 at 65 *Fed. Reg.* 38611.